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EXAMINER	
CROWDER, C	
ART UNIT	PAPER NUMBER
337	9

DATE MAILED: 04/21/81

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined. ☒ Responsive to communication filed on 2 Feb. 1981 ☒ This action is made final

A shortened statutory period for response to this action is set to expire 3 month(s) from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892 2. ☐ Notice of Informal Patent Drawing, PTO-948  
3. ☐ Notice of References Cited by Applicant, PTO-1449 4. ☐ Notice of Informal Patent Application, Form PTO-152

Part II SUMMARY OF ACTION

1. ☒ Claims 1-16, 18, 20-35, 37 and 39-58 are pending in the application.  
Of the above, claims 14-16 and 33-35 are withdrawn from consideration  
2. ☒ Claims 17, 19, 36 and 38 have been cancelled.  
3. ☒ Claims 1-4, 7-13, 18, 20-32, 37, 40, 42-47 and 49-52 are allowed.  
4. ☒ Claims 5, 6, 39, 41, 48 and 53-58 are rejected.  
5. ☐ Claims are objected to.  
6. ☐ Claims are subject to restriction or election requirement  
7. ☐ The formal drawings filed on are acceptable.  
8. ☐ The drawing correction request filed on has been ☐ approved. ☐ disapproved.  
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has  
☐ been received. ☐ not been received. ☐ been filed in parent application, serial no. filed on  
10. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.  
11. ☐ Other

1. In the specification on page 15, line 16, "or" should be --to--; line 35, "or" should be --of--. Referring to page 17, lines 8-9, the mentioned radii appear to be unequal instead of equal as stated. On page 35, lines 2-3, "substantially" should be --substantial--. Correction is required.
2. Attention is invited to 37 C.F.R. 1.126. Claims 1A-29A have been renumbered as claims 40-47, respectively. Claims 40-50 have been renumbered as claims 48-58, respectively. Where claims are dependent on the above claims, the dependencies have been changed accordingly. Reference will henceforth be made to these claims only as renumbered.
3. Claims 41, 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that claim 41 is identical to claim 40. It is apparent that applicant may have intended claim 41 to depend from claim 4.
4. It is noted that in claim 30, line 6, it was probably intended that --track-- appear before "surface".
5. Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite and incomplete in depending from cancelled claim 36.
6. Claim 48 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. It is not clear what is meant in line 12 by axial motion, particularly since no axis is defined. In lines 12-13, "the second predetermined direction" has no antecedent.
7. Claim 53 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In line 5, "circular bearing insert" has no clear meaning since the insert disclosed is not circular. Subsequent use in lines 19-20 of "non-circular" is unclear since "circular" has been used in line 5. Regarding parts i) and ii) in claim 53, it is not apparent how the means of c) does the "permitting" recited. In line 1 of part ii), it is unclear what is meant by "non-central radius".

8. Claims 54,55 and 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in using the term "outwardly curved track" in lines 3,7,13 and 15 of claim 54, lines 3,10,15 and 17 of claim 55 and lines 3,10,16 and 18 of claim 58. It is not apparent what is meant by "outwardly" curved.

9. Claims 56 and 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in using "and/or" in lines 7,10 and 17. The significance of the term insofar as claim language interpretation is concerned is unclear.

10. Claim 57 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite and incomplete. The projection is recited as part of the means provided on the bearing insert but the track is not recited as being on the platform means.

11. Claim 48 is rejected under 35 U.S.C. 103 as unpatentable over Murray, et al. ('697). It is obvious that the insert in Murray, et al. can move axially of the leg and can move anteriorly-posteriorly by reason of the bearing surface rotating about the post 72 but is provided with stability, to the extent claimed, laterally of the knee.

12. Claim 53 is rejected under 35 U.S.C. 103 as unpatentable over Murray, et al. ('697). It is clearly obvious that the rotation of the bearing insert about the post in Murray, et al. does not take place except concurrently with sliding movement. It is not apparent that parts i) and ii) of claim 53 serve to define any structure not present in Murray, et al.

13. Claims 54,55 and 58 are rejected under 35 U.S.C. 103 as unpatentable over Murray, et al. ('697). The two lateral bearing surfaces of the tibial component in Murray, et al. obviously constitute curved tracks to the extent claimed and the insert is slidably disposed in the tracks.

14. Claim 56 is rejected under 35 U.S.C. 103 as unpatentable over Murray, et al. ('697). It is obvious that the motions of b) are permitted while stability as recited in c) is provided.


15. The remarks have been carefully considered, but they are not persuasive that the above rejections are in error. Nonelected claims 14-16 and 33-35 should be cancelled in the next response. Claim 41 and 39 would be allowable if amended to overcome the 35 U.S.C. 112 rejection and made properly independent. Claim 57 would be allowable if amended to be complete and placed in proper independent form. Murray, et al. ('697) is cited and applied responsive to the new claims.

16. This action is FINAL.

C. D. Crowder/mb

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4/13/81

  
CLIFFORD D. CROWDER  
EXAMINER  
GROUP ART UNIT 337